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DEPARTMENT OF PUBLIC SAFETY
MAINE EMERGENCY MEDICAL SERVICES
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MICHAEL P. CANTARA
COMMISSIONER

JAY BRADSHAW
DIRECTOR

BOARD OF EMS MEETING
OCTOBER 11, 2006
9:00 AM
D.O.T. CONFERENCE ROOM

MINUTES (FINAL)

Members: Steve Leach, Chair; Wayne Werts, Chair-elect; Bob Ashby, Alan Azzara, Tim Beals, Oden Cassidy, Joe Conley, Richard Doughty, Paul Knowlton, Jim McKenney, Ron Jones, Rebecca Chagrasulis,

Staff: Jay Bradshaw, Dawn Kinney, Scott Smith, Drexell White, Ben Woodard

Attorney General's Office: Laura Yustak Smith AAG

Regional Coordinators: Donnie Carroll, Steve Corbin, Rick Petrie, Bill Zito

Investigator: Karen Packard

Guests: Daryl Boucher, Robin Overlock, Peter Goth, David Cluff, Sue Hludik, Terry Walsh, Dan Batsie, Doug Remington

1. Introductions – Board members and guests identified themselves and were welcomed by the chair.
2. Approval of September 6, 2006, meeting minutes

**MOTION: To approve the minutes of the September 6, 2006, meeting as distributed.
(McKenney; seconded by Knowlton) Unanimous.**

3. New Business
 - a. Operations Team –Donnie Carroll reported that the Ops Team met on October 10, and discussed implementation issues surrounding the PIFT update, including data collection, eligible instructors, effective date and the date by which all providers must have completed the new PIFT module or cease to perform PIFT treatments. Also discussed was the E-Z I/O and the importance of providers getting training from an approved instructor before using this new device. Providers can contact Steve Leach (MCEMS), Dan Batsie (NEMS), Brian Chamberlin (KVEMS), or their regional office for the training.
 - b. Education Committee – Dan Batsie reported that the Committee will be meeting this afternoon and discussing the PIFT module among other topics.

c. Waiver Request – Northeast Mobile Health (NEMH)

Prior to this topic being discussed, Alan Azara recused himself from the discussion because he is a Vice President of NEMH. Doug Remington represented the company's position on these waivers.

Dawn presented a summary of the two waiver requests from NEMH, the first is Chapter 3 § 14 (Ground Ambulance Vehicle Equipment Requirements). NEMH operates a vehicle owned by Maine Medical Center for purposes of transporting critically ill neonatal and pediatric patients. This vehicle, which was formerly operated by MEDCU, is staffed with hospital personnel when transporting a patient. MEDCU received a similar waiver in 1996, but subsequent operators did not pursue the waiver process.

In reviewing this request, the Board made the following findings:

- That NEMH did take reasonable steps to ascertain and comply with the Rules.
- That NEMH was not given inaccurate information by an agent or employee of the State EMS program.
- That NEMH and MMC would be harmed if the waiver were not granted due to the cost of purchasing equipment that would not be used on the specialized calls to which they respond.
- A waiver in this matter would not pose a health or safety risk to the public or a particular individual or community.
- A waiver in this matter would not establish a precedent that may unduly hinder the Board or office in administering the MEMS system.

MOTION: To grant the waiver of Chapter 3, § 14 for purposes of the equipment required on the ambulance identified as the Barbara Bush Hospital Pediatric Care unit. (Chagrasulis; second by Beals) Unanimous

The second waiver request was for Chapter 3 § 7.5 regarding the wording on the ambulance. NEMH is currently licensed at the Intermediate level, with a permit to Paramedic. The ambulance lettering contains the words “Critical Care Transport”, which is a violation of the EMS Rule cited above.

In reviewing this request, the Board made the following findings:

- That NEMH did take not reasonable steps to ascertain and comply with the Rules.
- That NEMH was not given inaccurate information by an agent or employee of the State EMS program.
- That NEMH and MMC would be not harmed if the waiver were not granted as the lettering is a decal and therefore easy to remove.
- A waiver in this matter may pose a health or safety risk to the public or a particular individual or community due to confusion about the license level of care being provided.
- A waiver in this matter would establish a precedent that may unduly hinder the Board or office in administering the MEMS system.

MOTION: To deny the waiver of Chapter 3, § 7.5 regarding the wording on the side of the ambulance and to direct NEMH to remove the words “Critical Care” within 30 days. (Doughty; second by Chagrasulis) Carried (7-3).

The Board asked staff to make a note of this issue for discussion during future Rules changes.

4. Investigations Committee

MOTION: To enter executive session pursuant to 32 M.R.S.A. §92.3 and 1 M.R.S.A. §405(6)(F) for the purpose of reviewing pending investigation #06-PP and 1 M.R.S.A. §405(6)(E) for receiving legal advice on the aforementioned investigation. (Doughty; second by Ashby) Unanimous

Dr. Chagrasulis recused herself from this session because she had prior knowledge of incident and was directly involved in another matter involving the licensee. Ron Jones, Alan Azzara, and Wayne Werts disclosed that they knew the licensess, but that knowledge did not provide them with any information outside of the Board meeting, nor would it interfere with their ability to be objective in the discussions before the Board. Without objection, all 3 remained in the room for the session. Dr. Diaz participated in this session via telephone.

Executive session began at 9:53

MOTION: To exit executive session. (Werts; second by Azzara). Unanimous

Executive session ended at 10:35.

Chairman Leach reported that in Executive session the Board discussed case #06-PP and obtained information from the subject, his attorney, and Dr. Steve Diaz (via conference call).

MOTION: Refer case # 06-PP to the Investigations Committee for further investigation and action. Request this be handled on a fast track to the extent possible. (Werts; second by Conley) Carried with one abstention (Doughty).

Andrew Higbie and his attorney, Robert Sandy, joined the meeting to request the opportunity to submit additional information to the Board regarding Mr. Higbie's license application. Mr. Higbie failed to sign a consent agreement in the matter of case # 02-10, and his license expired in July 2003. Based upon these factors, staff denied his application; a decision Mr. Higbie is appealing to the Board.

MOTION: To accept new written material provided that it is received by the MEMS staff by the close of business on October 23, 2006. (Doughty; second by Azzara). Unanimous.

MOTION: To ratify the minutes of the September 21, 2006, Investigations Committee meeting as distributed. (McKenney; second by Cassidy). Unanimous.

MOTION: To accept the terms of the Consent Agreement in the matter of Case # 06-06. (Ashby; second by McKenney) Unanimous

5. Staff Reports

- a. MEMSRR – Ben reported that Maine Medical Center has equipped a trailer with computer terminals, a printer, and photocopier for use by EMS providers. These will be moved inside as soon as renovations permit. MMC requests that providers using MEMSRR complete their run report prior to leaving the hospital if at all possible.

Zoll (PinPoint Technologies) has successfully completed their export function so that Zoll users may now upload their data directly to MEMSRR

MEMSRR training will be held at the MCEMS Samoset Conference and a booth will be staffed between sessions with Ben and folks from ImageTrend to answer questions and provide hands-on training. In reviewing this waiver request, the Board made the following findings:

- b. Licensing Agent position – Jay reported that applications are being accepted until October 13, for this position.
- c. Highway Safety Grants – Jay reported that MEMS has been awarded \$20,000 in Part 402 Highway Safety funds and will be receiving funding from the Part 408 grant as well – the latter amount to be determined at a meeting on October 19.
- d. Inspection report – postponed until November.

6. Medical Director Report – In Dr. Diaz's absence, Jay reported that there was no MDPB or QI meeting held in September, due to a conflict with the Pandemic Flu Conference at the Augusta Civic Center. The HART Committee did meet on Sept 20 to continue work on developing a statewide protocol for prehospital 12 lead EKG training, and an interfacility transfer/treatment protocol.

7. Old Business

- a. Jay distributed copies of the draft legislation that was approved by the Board's EMSSTAR sub committee. Continued discussion and action to be held at the November meeting.
- b. Board By Laws. Also distributed for review and discussion in November were copies of the By Laws drafted by the sub committee.
- c. Report from meeting with KVCC – carried over to the November agenda.

8. Other – next meeting will be on Wednesday, November 1, 2007, 9:30 – 3:00.

Meeting adjourned at 12:00.